

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON

6/22/2016
Julie Richards Johnston, Clerk
U.S. District Court
Eastern District of NC

United States of America

v.

James Fuller

Case No: 7:10-CR-21-1BO

USM No: 53504-056

Date of Original Judgment: November 3, 2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Suzanne Little, Assistant Federal Public Defender

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months is reduced to 168 months

If the original term of imprisonment constituted a non-guideline sentence (variance) pursuant to 18 U.S.C. § 3553(a) and United States v. Booker, 543 U.S. 220 (2005), a further reduction generally would not be appropriate. The court shall not reduce the term of imprisonment to a term less than the minimum of the amended guideline range. USSG § 1B1.10(b)(2). [1B1.10, Application Note 3]

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated November 3, 2011 shall remain in effect. IT IS SO ORDERED.

Order Date:

6.22.16



Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle U.S. District Judge

Printed name and title